

Modernizing Recreational Fisheries Management Act of 2017
Section by Section

TITLE I – CONSERVATION AND MANAGEMENT

Sec. 101. Allocation

This section would establish clear, objective criteria upon which allocation decisions could be based, and require periodic review of allocations in mixed-used fisheries--limited to the South Atlantic and Gulf of Mexico Fishery Management Councils. For many mixed-use fisheries (i.e., those fished by both the commercial and recreational sectors), allocations of harvestable quota for each sector are based on decisions in fisheries management plans written decades ago. Because no formalized process exists to prompt the regional fishery management councils toward examining these allocations, and because allocation discussions have been historically contentious, fisheries managers lack the necessary incentives to reexamine allocations regardless of how outdated and/or inequitable they may be today.

Sec. 102. Alternative Management

This section would clarify that NOAA Fisheries can implement alternative management approaches more suitable to the nature of recreational fishing while adhering to the conservation principles of the Magnuson-Stevens Act (MSA). Recreational and commercial fishing are fundamentally different activities that require different management approaches. State fishery managers use different management approaches for recreational and commercial sectors. NOAA Fisheries does not, however. NOAA Fisheries manages recreational fisheries the same way as commercial fisheries--by setting a poundage-based quota at or near maximum sustainable yield and attempting to enforce it in real time. While this may be an ideal management strategy for commercial fishing, where harvesting the maximum biomass is desired, it is not an effective management tool for many saltwater recreational fisheries.

Sec. 103. Limited Access Privilege Programs in Mixed-Use Fisheries

This section would help address concerns with limited access privilege programs (LAPPs), or catch shares, in mixed-use fisheries. LAPPs are intended to reduce capacity and participation in a fishery. While this model has applicability in purely commercial fisheries, it has created significant user conflicts in fisheries pursued by both recreational and commercial fishermen. LAPPs remove flexibility to manage resources according to changing economic and demographic factors, and present an often-insurmountable obstacle to managing marine resources to their highest and best use for the public which ultimately owns those resources.

Sec. 104. Rebuilding Fishery Stock Timelines

This section would allow for modest flexibility in setting rebuilding time frames by offering a science-based alternative to the arbitrary 10-year rebuilding timeframe. Proposed modifications would also afford statutory consistency with recent revisions to National Standard 1 Guidelines. When NOAA Fisheries sets the length of time to rebuild a depleted fishery, it also sets the pace at which a specific stock size must meet its rebuilding target. Yet, the speed at which a stock can rebuild is often unpredictable and influenced by factors outside of fishing. Even minor flexibility with rebuilding timeframes provides anglers with greater opportunities to access

rebuilding fish stocks while still meeting conservation goals. Flexibility with rebuilding also helps minimize the negative impacts when rebuilding time frames or rebuilding targets are set using poor science.

Sec. 105. Annual Catch Limits

These revisions would provide flexibility with the application of annual catch limits (ACLs), which, as implemented by NOAA Fisheries, have created challenges with many recreational fisheries to largely to a lack of available data. The application of ACLs when biological and/or harvest data are limited makes it extremely difficult to set reasonable regulations and has a negative and unfair impact on the recreational sector. MSA currently requires an ACL for every species regardless of whether there is good science or an adequate monitoring system in place to support the catch limit. This section would provide modest but important exemptions for ACLs to better align this requirement with available recreational data.

Sec. 106. Exempted Fishing Permits

These revisions will establish specific criteria to evaluate permit applications and formalize an expanded review process that requires greater regional stakeholder input on the merits of each permit application. The exempted fishing permit process was originally intended to allow researchers and fishermen to test gear modifications and fishing practices outside of regulations in place to manage certain stocks of fish. EFPs can enact programs that run multiple years and have significant impacts to the management regime of an entire fishery, and yet the permits need only approval by a single entity - NOAA Fisheries - to be enacted. In recent years, the EFP process has been misused as a mechanism to simply circumvent Council process and/or public opposition to controversial measures that benefit a certain sector or even select individuals within a certain sector.

TITLE II – RECREATION FISHERY INFORMATION, RESEARCH, AND DEVELOPMENT

Sec. 201. Cooperative Data Collection

This section would require the Secretary of Commerce, in consultation with the science and statistical committees of the regional councils and the marine fisheries commissions, to submit a report to the relevant congressional committees on facilitating greater incorporation of data, analysis, stock assessments, and surveys from state agencies and nongovernmental sources such as fishermen, fishing communities and research institutions. Cooperative data collection will help improve the accuracy of fish stock information and data collection and analysis by incorporating data collected by anglers themselves into fisheries management decisions.

Sec. 202. Recreational Data Collection

This section would transition existing federal funds toward state programs to improve fisheries harvest data. The federal program that estimates angler harvest – the Marine Recreational Information Program (MRIP) – is capable of providing baseline trends in fishing effort. But, for many offshore fisheries MRIP does not provide data at the level of accuracy or timeliness needed for in-season management. By contrast, many states, especially in the Gulf of Mexico, have developed complimentary angler harvest data collection systems to provide real-time and better harvest data.